

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 20-11085
Tiffany A Matthews	:	Chapter 13
	:	Judge Ashely M. Chan
Debtor(s)	:	*****
	:	
Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto	:	Date and Time of Hearing
	:	Place of Hearing
Movant,	:	June 7, 2022 at 11:00 a.m.
vs	:	
	:	
Tiffany A Matthews	:	
	:	
KENNETH E. WEST	:	
Respondents.		

**MOTION OF WELLS FARGO BANK, N.A., D/B/A WELLS FARGO AUTO FOR
RELIEF FROM THE AUTOMATIC STAY REGARDING THE PERSONAL
PROPERTY KNOWN AS 2012 FORD TRUCK EDGE, VIN 2FMDK3J90CBA06759**

Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto (the "Creditor"), by and through the undersigned counsel, files this Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. § 362 and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, annulling, or dissolving the automatic stay, averring as follows.

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. The Court has jurisdiction over this matter under 28 U.S.C §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
5. On March 14, 2015, Tiffany A Matthews (the "Debtor") obtained a loan from Wells Fargo Bank, N.A. dba Wells Fargo Auto fka Wells Fargo Dealer Services in the amount of \$24,123.70 for the purchase of a 2012 Ford Truck Edge, VIN 2FMDK3J90CBA06759 ("Collateral"). Debtor agreed to make periodic payments to Wells Fargo Bank, N.A. dba Wells Fargo Auto fka Wells Fargo Dealer Services. Such loan was evidenced by a Retail Installment Sale Contract Simple Finance Charge (the "Contract"), a copy of which is attached hereto as Exhibit A.
6. To secure payment of the Contract, Debtor delivered the Commonwealth of Pennsylvania Certificate of Title for a Vehicle (the "Title") to the Collateral to Creditor or Creditor's predecessor-in-interest. On or about April 22, 2015, Creditor or Creditor's predecessor-in-interest perfected its security interest in the Collateral by delivering the Title along with the appropriate application and fees to the Department of Transportation of the Commonwealth in accordance with Pa.C.S. § 1132.1(a). As a result, Creditor has a valid security interest in the Collateral. A copy of the Title is attached hereto as Exhibit B.
7. The Contract was subsequently assigned to Creditor per the attached exhibits.
8. Creditor believes the clean retail value of the Collateral to be \$10,975.00 based upon the J.D. POWER Used Cars/Trucks guide dated April 27, 2022, a copy of which is attached hereto as Exhibit C.
9. On February 21, 2020, Debtor filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code ("Petition").

10. Debtor's Chapter 13 Plan calls for the Debtor to retain the Collateral and make post-petition payments directly to the Creditor.
11. As of April 27, 2022, there is currently due and owing on the Contract the outstanding principal balance of \$7,496.14, plus interest accruing thereon at the rate of 0.0% per annum. The loan was charged off on March 13, 2020. This amount is broken down as follows:

Total Loan Balance	
Description	Amount
Principal	\$7,496.14
Interest	\$0.00
Escrow advance	\$0.00
Late charges	\$66.25
Other Fees	\$0.00
Less Contractual Suspense Funds	\$(0.00)
Total: \$7,562.39	

12. As of April 27, 2022, the Debtor is due and owing for the month of April 2020 in the amount of \$320.71, and 14 months from May 2020 to June 2021 in the monthly payment amount of \$428.76, with total post-petition delinquency of \$6,323.35.
13. Creditor seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to proceed under applicable nonbankruptcy law to enforce its remedies to repossess and sell the Collateral.
14. Creditor is entitled to relief from the automatic stay for the following reason(s):
- a. Creditor lacks adequate protection of its secured interest in the Collateral pursuant to 11 USC § 362(d)(1) as a result of Debtor's failure to make payments when due.

WHEREFORE, Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto respectfully requests this Honorable Court to enter an order terminating the Automatic stay as it affects the interests of

Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto in the Collateral, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)

Adam B. Hall (323867)

Manley Deas Kochalski LLC

P.O. Box 165028

Columbus, OH 43216-5028

Telephone: 614-220-5611

Fax: 614-627-8181

Attorneys for Creditor

The case attorney for this file is Alyk L. Oflazian.

Contact email is

ALOflazian@manleydeas.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 20-11085**
Tiffany A Matthews : **Chapter 13**
: **Judge Ashely M. Chan**
Debtor(s) : * * * * *

:
Wells Fargo Bank, N.A., d/b/a Wells : **Date and Time of Hearing**
Fargo Auto : **Place of Hearing**
Movant, : **June 7, 2022 at 11:00 a.m.**
: **vs**
:
Tiffany A Matthews :
:
KENNETH E. WEST :
Respondents.

CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Motion of Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto for Relief from the Automatic Stay regarding the Personal Property known as 2012 Ford Truck Edge, VIN 2FMDK3J90CBA06759 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

KENNETH E. WEST, Office of the Chapter 13 Standing Trustee,
ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Tiffany A Matthews, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Tiffany A Matthews, 1534 Rainer Road, Brookhaven, PA 19015

/s/ Alyk L. Oflazian
